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TEKLE, DANIEL T				
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2481				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/564,296

Applicant(s)

NEWTON ET AL.

Examiner

DANIEL TEKLE

Art Unit

2481

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

35 U.S.C. 112, sixth paragraph

a claim limitation will be presumed to invoke 35 U.S.C. 112, sixth paragraph if it meets the following 3-prong analysis: (A) it uses a non-structural term (B) The term is modified by functional language (C) The limitation does not include the structure necessary to perform the claimed function.

Regarding Claim 1: The means plus function language used in claim 1 indicates that applicant intends to invoke 35 U.S.C. 112 paragraph six. Where means plus function language is used, claim limitations are interpreted to read on only the corresponding structure disclosed in the specification and equivalents thereof. The disclosed structure used for the "means for receiving a source signal " consider to read on (Receiver 201 of Figure 2 of Applicant's Application as indicated in [page 7 lines 28]); "means for generating a recording signal from the source signal" consider to read on (Recording controller 203 of Figure 2 of Applicant's Specification as indicated in [page 7 line 33-34 and page 8 lines 9-10]); "means for generating second time information for the recording signal" consider to read on (time processor 209 of Figure 2 of Applicant's specification as indicated in [page 9 lines 20-23]); "means for storing the recording signal" consider to read on (storage medium 205 of Figure 2 of Applicant's specification as indicated in [page 8 lines 1-2]).

The prior art element is a structural equivalent of the corresponding element disclosed in the specification. That is, the prior art element performs the function specified in the claim in substantially the same manner as the function is performed by the corresponding element described in the specification. Therefore, the prior art element is an equivalent.

Regarding Claim 5-6 and 10: See the similar mean plus function discussed to claim 1 as discussed above.

Regarding Claim 8: The means plus function language used in claim 8 indicates that applicant intends to invoke 35 U.S.C. 112 paragraph six. Where means plus function language is used, claim limitations are interpreted to read on only the corresponding structure disclosed in the specification and equivalents thereof. The disclosed structure used for the "means for extracting the event descriptors " consider to read on (source signal 101 of Figure 1 of Applicant's Application as indicated in [page 12 line 19]);

The prior art element is a structural equivalent of the corresponding element disclosed in the specification. That is, the prior art element performs the function specified in the claim in substantially the same manner as the function is performed by the corresponding element described in the specification. Therefore, the prior art element is an equivalent.

Response to Arguments

Applicant argument regarding claim 1 on page 9 to 10 of the remark considered; however not persuasive since Swenson et al. teaches the new limitation added to the claim as outlined below.

Applicant's arguments with respect to claim 1-9, 11-13 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-9, 11-13 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Frimout (US 2003/0014690), further in view of Swenson et al. (US 6,064,380).

Regarding Claim 1: Frimout discloses an apparatus for recording comprising: means for receiving a source signal having associated first play-time information in the form of continuous timeline running for the duration of an associated program in the source signal (**paragraph 0022: ...optical disc player comprises a disc drive unit 11 for recording on and reproducing.....**); means for generating a recording signal from the source signal (**paragraph 0023: The volatile memory 14 is connected to an I/O interface 15 for inputting and outputting recording data and reproduced data, respectively**); the recording signal comprising at least a portion of the source signal including a recording discontinuity with respect to the source signal (**paragraph 0035: If it is detected in step S202 that the recording flag is still set, an interruption of the recording due to a power failure is assumed and the title set pointer 122 and the recovery sector pointer 123 are read from the NVRAM 12 by the recovery control section 13**);

However Frimout fail to explicitly teach, but Swenson et al. teaches means for generating second time information in the form of a non-continuous timelines having a

time discontinuity corresponding to the recording discontinuity for the recording signal in response to the first play-time information and the recording discontinuity (**column 4 line 62 to column 5 line 24: ...stop and save, creating a bookmark, user customizing option considers to read second non-continuous playback...**);

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine the teaching of Swenson et al. into Frimout invention in order user have an option to customize a computer display; as a result user can able to create a bookmark during playback AV data.

further Frimout teaches storage means for storing the recording signal together with the second time information (**paragraph 0035: the recovery control section 13 controls the disc drive unit 11 so as to reproduce the respective recovery sector indicated by the pointer information and loads the recovery sector into the volatile memory 14**).

Regarding Claim 2: Frimout and Swenson et al. discloses apparatus for recording as claimed in claim 1, further Frimout discloses wherein the second time information further comprises markers indicating events in the recording signal (**paragraph 0035: the position of the last recovery sector before the power failure can be derived from the pointer information stored in the NVRAM 12**).

Regarding Claim 3: Frimout and Swenson et al. discloses apparatus for recording as claimed in claim 2, further Frimout discloses wherein the second time information further comprises a play list comprising the markers (**paragraph 0027: The video cells C1 to**

Cn are multiplexed with corresponding recovery sectors R1 to Rn and corresponding pointers P2 to Pn).

Regarding Claim 4: Frimout and Swenson et al. discloses apparatus for recording as claimed in claim 1, further Frimout discloses wherein the second time information further comprises event descriptors **(paragraph 0039: Assuming a cell duration of one minute and a recovery duration of 0.5 to 1 seconds for each cell, a recording of two hours will take 60 to 120 seconds to be recovered).**

Regarding Claim 5: Frimout and Swenson et al. discloses apparatus for recording as claimed in claim 4, further Frimout discloses wherein the means for generating the second time information generates time information of the event descriptors by modifying time information of event descriptors associated with the source signal **(paragraph 0039: Assuming a cell duration of one minute and a recovery duration of 0.5 to 1 seconds for each cell, a recording of two hours will take 60 to 120 seconds to be recovered).**

Regarding Claim 6: Frimout and Swenson et al. discloses apparatus for recording as claimed in claim 5, further Frimout discloses wherein the means for generating the second time information generates the time information of the event descriptors by compensating the time information of event descriptors associated with the source signal by a time gap associated with the recording discontinuity **(paragraph 0039: Assuming a cell duration of one minute and a recovery duration of 0.5 to 1**

seconds for each cell, a recording of two hours will take 60 to 120 seconds to be recovered).

Regarding Claim 7: Frimout and Swenson et al. discloses apparatus for recording as claimed in claim 5, Frimout discloses wherein time information of the event descriptors comprise relative time information associated with a play time-line (**paragraph 0039: Assuming a cell duration of one minute and a recovery duration of 0.5 to 1 seconds for each cell, a recording of two hours will take 60 to 120 seconds to be recovered).**

Regarding Claim 8: Frimout and Swenson et al. discloses apparatus for recording as claimed in claim 5, Frimout discloses wherein apparatus further comprises means for extracting the event descriptors associated with the source signal from a transport signal comprising the source signal (**paragraph 0039: Assuming a cell duration of one minute and a recovery duration of 0.5 to 1 seconds for each cell, a recording of two hours will take 60 to 120 seconds to be recovered).**

Regarding Claim 9: Frimout and Swenson et al. discloses apparatus for recording as claimed in claim 4, further Frimout discloses wherein the event descriptor comprises a stream event comprising information for triggering an application (**paragraph 0029: the recovery control section 13 generates a private data stream defined to store incremental recording data structures on the disc).**

Regarding Claim 11: Frimout and Swenson et al. discloses an apparatus for recording as claimed in claim 1, further Swenson et al. discloses wherein the source signal and

the recording signal comprise Multimedia Home Platform (MHP) (**column 1 lines 45-55: “GUI presentation is typically designed and customized to present an attractive display and facilitate use of the computer interface by a user in making subsequent selections or executing selected functional aspects associated with the GUI presentation”**).

Regarding Claim 12: Frimout and Swenson et al. discloses apparatus for recording as claimed in claim 1, further Swenson et al. discloses wherein the source signal and the recording signal comprise Digital Video Broadcast (DVB) data (**column 1 lines 10-27: internet or worldwide web**).

Regarding Claim 13 and 15: Claim 13 and 15 reject for the same reason to claim 1 as discussed above; further Frimout discloses non-transitory computer-readable storage medium means (**Fig. 1**).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 8:00am to 4:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel Tekle/
Examiner, Art Unit 2481
/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2481